

July 20, 1954

Richard C. Duncan, Esq.,  
Assistant Attorney General

Attorney General

Chapter 153, Laws of 1943

Herbert L. Whitney,  
Deputy Fire Marshal

Dear Sir:

You have inquired as to the application of chapter 153, Laws of 1943, relating to places of public assembly, to town halls when used by the inhabitants of the town for the purposes of town or school district meetings.

Section 1, paragraph 1 of said chapter defines places of assembly as "a room or space in which provision is made for the congregation or assembly of one hundred or more persons for . . . political . . . purposes . . .". The term "political" is usually given the meaning of being more than politics in a partisan sense, but rather refers to the conduct, management or administration of government. 32 Words and Phrases 802. Adoption of this broad definition of the phrase as used in this statute would appear consistent with the purpose of the statute to provide for the safety of persons who congregate in numbers of more than one hundred.

Your attention is also called to section 2, which provides that "no person" shall own or operate a place of assembly unless licensed. R.L. c. 7, s. 3 states that in the construction of statutes the word "person" may extend and be applied to bodies corporate and politic as well as to individuals.

It is therefore my opinion that town halls when used for congregations of more than one hundred persons are places of public assembly within the meaning of chapter 153, Laws of 1943.

You have also inquired as to the mechanics of licensing such places of assembly and manner of enforcement of the provisions of the statute. While the statute by its terms includes town halls within its provisions, other sections are not well adapted to this type of assembly hall and could well be proper subjects for legislative clarification. I refer to the licensing provisions in particular which by sections 2 and 3 require a license be obtained from the licensing agency which is defined by section 1, paragraph II, as the chief of the fire department, the firewards or engineers, if any, otherwise the selectmen, or commissioners, of a village district. It is readily apparent that

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a license for a town hall would normally be obtained by the selectmen for the town, who may, under this act, be also the licensing agency. This could result in many absurd situations in the event a license is not obtained, or the selectmen permit assemblies in excess of authorized capacity. Thus, from a practical viewpoint of a law enforcement official the statute is inadequate when applying all its terms to this type of building, and it is for this reason I suggest the possibility of revision if a public building is to be included with the same effectiveness as one privately owned.

Very truly yours,

Richard C. Duncan  
Assistant Attorney General

RCD:HP